

### **REMARKS/ARGUMENTS**

The Office Action of December 8, 2009, has been carefully reviewed and these remarks are responsive thereto. Claims 1, 10, 26, 27, 29, 30, 42, 48, 52, and 56 have been amended, claims 38-41 have been canceled without prejudice or disclaimer, and no new claims have been added. Claims 9, 31 and 57 were canceled by previous amendment. Claims 1-8, 10-30, 32-37, 42-56, and 58-61 thus remain pending in this application. Claim 10 is amended only to correct a claim dependency error. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Rejections Under 35 U.S.C. § 101***

Claim 38 stands rejected under 35 U.S.C. § 101 as not falling within one of the four statutory categories of invention. Claim 38 has been canceled, rendering the rejection moot.

#### ***Rejections Under 35 U.S.C. § 102/103***

Claims 1-8, 10-12, 17-18, 28, 30, 32, 35-51, 54-56 and 58-61 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 5,371,734, hereinafter Fischer. Claims 13-16, 19-27, 29, 33-34 and 52-53 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 5,371,734, hereinafter Fischer, in view of well-known prior art (MPEP 2144.03). Applicant respectfully traverses.

The Action alleges that that the "control information" from Fischer performs the same function as the claimed descriptor. However, Fischer at column 4, lines 13 to 20 states that "[a] considerable amount of the available time is consumed in the rather complex communication of control information, referred to as 'overhead.' The overhead is used for requesting time, allocating a reservation of time, communicating the amount of time reserved, communicating the order in which the stations receive the time reservations, and the like. As a consequence, the quantity of useful data bandwidth of PRMA networks is also limited."

In contrast, the claimed descriptor is described in paragraph [0027] as "Preferable embodiments of the invention provide a method, a system, a transmitter and a receiver for identification of a time sliced elementary streams using PSI/SI tables. This identification

provides a way to separate time-sliced elementary stream(s) from non-time-sliced elementary stream(s) by defining a descriptor in PSI/SI tables. The preferable embodiments define a time slice identifier descriptor, which can be used to identify elementary streams which are time sliced. Advantageously, this descriptor is also used to provide additional information about the transmitted elementary streams. Thus, the embodied invention provides the broadcasting environment a way to announce additional information about the time sliced elementary streams via PSI/SI tables. Additionally, it provides a mechanism to categorize single elementary stream(s) as non-time sliced and time sliced.” Applicants have amended independent claim 1 to clarify the function of the claimed descriptor, namely, that the descriptor is arranged to identify additional information stored in at least one of a network information table, program map table and IP/MAC notification table, which is not taught or suggested by Fischer.

Applicants have further amended independent claim 1 to clarify that the invention relates to broadcast transmissions, which is also not taught or suggested by Fischer. Claim 1 is therefore allowable over Fischer for at least each of the above two reasons alone.

Independent claims 30, 42, 48, and 56 have been amended similarly as claim 1, and are therefore also allowable over Fischer. Dependent claims 2-8, 10-29, 32-37, 43-47, 49-55, and 57-61 are allowable at least for the same reasons as their respective base claims, and further in view of the addition material recited therein, because the additional cited art, even if properly combinable with Fischer, does not teach or suggest all the features of any claim.

**CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3153.

Respectfully submitted,

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